

**UNITED STATES BANKRUPTCY COURT FOR
THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

BANKRUPTCY CASE NO
NO 06-35903
Chapter 11

SUPPLEMENT SPOT, LLC
DEBTOR

Adversary No: 07-3019

YOUNG AGAIN PRODUCTS,
INC.

Plaintiff

Vs.

Supplementspot, LLC

And JOHN ACORD

And MARCELLA ORTEGA

Defendants

United States Courts
Southern District of Texas
FILED

MAY 01 2007

Michael N. Milby, Clerk

**Complaint for Filing False Affidavit of Service With
The Court, and Motion to Dismiss Plaintiff's Entry of
Default Against Defendant John Acord**

TO THE HONORABLE JEFF BOHM, UNITED STATE BANKRUPTCY JUDGE
COMES NOW, John Acord, Defendant, and files this Complaint against Margaret
McClure, Attorney for Plaintiff Young Again Products, Inc..

On April 23, 2007, it came to the attention of this Defendant that Margaret McClure,
attorney for the Plaintiff, had lodged with the Clerk of the United States Court for the

Southern District of Texas, a false document titled "Certificate of Service," wherein Ms. McClure declared that proper service was made on the Defendant. This declaration was made on February 1, 2007, under penalty of perjury, by Margaret McClure knowing that such declaration was false and misleading and untrue. The perjured document is attached hereto as "Exhibit 1." A second document was filed against another defendant in this case, Marcella Ortega, and is attached hereto as "Exhibit 2."

Ms McClure, Plaintiff's Attorney, knew at the time of filing of the alleged "certificate of service" that this process was never delivered by the United State Post Office to the Defendant, John Acord, and had been returned to her office marked as "unclaimed." Please see Exhibit 3, attached hereto, which was downloaded from the United States Postal Service's website on April 27, 2006. This record corresponds with the certified mail registration number attached to the false "certificate or service" attached hereto as Exhibit 1. Exhibit 4 is the same United States Postal Service tracking information for Defendant Marcella Ortega.

Moreover, between February 18, 2007 and February 26, 2007 Defendants John Acord and Marcella Ortega were in the Netherlands, the United Kingdom, and the Republic of Ireland visiting distributors and vendors and could not have been properly served with the summons in this action. See Exhibit 5 confirming completed travel by Defendants during this period.

This Court is fully aware that the filing of false and misleading and perjured documents by members of the bar, especially those who are certified in bankruptcy law and regularly practice before the Court, severely hampers the Court's ability to serve the needs of justice in the Houston community and the Defendant requests that the harshest

sanctions available to this Court be imposed against Ms. McClure, and suggests the following:

1. Imposition of an fine appropriate to discourage the filing of false and misleading affidavits of service.
2. The award of all costs incurred in the filing;
3. The dismissal with prejudice of Adversary No. 07-3019
4. That Ms. McClure be found in Contempt of this Court;
5. That Ms. McClure be bared from acting as local counsel in Bankruptcy Case No. 06-35903 and Adversary Proceeding 07-3019

And, such other remedies as this Court may choose to impose to insure the fair administration of justice and the compliance of those who practice before it with the laws and procedures regarding the filing of knowing false documents.

A Hearing for this Complaint is requested by this Defendant at the earliest possible time before this Court and that Ms.. McClure be required to present herself at the hearing.

**Opposition to Plaintiff's Motion For Entry of Default Judgment
Against Defendant John Acord**

TO THE HONORABLE JEFF BOHM, UNITED STATES BANKRUPTCY JUDGE

Defendant, John Acord, incorporates all paragraphs of the forgoing

Complaint for Filing of A False Affidavit, and further avers:

1. Immediately upon learning from Randall Rios, Esq., attorney for the Trustee, Ben Floyd, that Plaintiff intended to file a Motion for Entry of Default Against Defendant, John Acord attempted to contact his counsel of record Patrick Hoskins, to inquire about the proper course of action to prevent entry of a default.
2. Unable to contact Mr. Hoskins, Defendant prepared in Pro Se the Answer attached hereto as Exhibit 6, titled "Answer." A copy of the Adversary Complaint was emailed by Mr. Rios to this Defendant to aid

sanctions available to this Court be imposed against Ms. McClure, and suggests the following:

1. Imposition of an fine appropriate to discourage the filing of false and misleading affidavits of service.
2. The award of all costs incurred in the filing;
3. The dismissal with prejudice of Adversary No. 07-3019
4. That Ms. McClure be found in Contempt of this Court;
5. That Ms. McClure be bared from acting as local counsel in Bankruptcy Case No. 06-35903 and Adversary Proceeding 07-3019

And, such other remedies as this Court may choose to impose to insure the fair administration of justice and the compliance of those who practice before it with the laws and procedures regarding the filing of knowing false documents.

A Hearing for this Complaint is requested by this Defendant at the earliest possible time before this Court and that Ms.. McClure be required to present herself at the hearing.

**Opposition to Plaintiff's Motion For Entry of Default Judgment
Against Defendant John Acord**

TO THE HONORABLE JEFF BOHM, UNITED STATES BANKRUPTCY JUDGE

Defendant, John Acord, incorporates all paragraphs of the forgoing

Complaint for Filing of A False Affidavit, and further avers:

1. Immediately upon learning from Randall Rios, Esq., attorney for the Trustee, Ben Floyd, that Plaintiff intended to file a Motion for Entry of Default Against Defendant, John Acord attempted to contact his counsel of record Patrick Hoskins, to inquire about the proper course of action to prevent entry of a default.
2. Unable to contact Mr. Hoskins, Defendant prepared in Pro Se the Answer attached hereto as Exhibit 6, titled "Answer." A copy of the Adversary Complaint was emailed by Mr. Rios to this Defendant to aid

him in the preparation of the "Answer."

3. Defendant filed his "Answer," by personal delivery, with the Clerk of the Court on Monday, April 23, 2007. Exhibit 6 shows the Clerk's file stamp.
4. Defendant never received a copy of the Summons and Certificate of Service attached to the Plaintiff's Motion for Entry of Default Judgment. Plaintiff's Exhibit Plainly shows that Adversary Complaint was returned without delivery to the Defendant.
5. Defendant has made 7 phone calls to his attorney of record, Mr. Patrick Hoskins, and never received a return call, so he cannot state With certainty whether Plaintiff ever served a copy of the Summons upon Defendant's personal attorney of record.
8. Plaintiff's attorney, Ms. McClure cannot pretend she did not know on February 1, the date she purportedly mailed copies of the Adversary Complaint and Summons to Defendant, that Defendants John Acord and Marcella Ortega were represented by attorney, Patrick Hoskins, yet failed to mail or otherwise inform Mr.Hoskins that a summons in this action had been issued and that a reply was required.
9. On February 9, 2007, Defendant, John Acord. Defendant's attorney Patrick Hoskins, and Plaintiff's attorneys appeared in this Court regarding a contempt citation sought by the Plaintiff against the Defendant. This Court denied the Plaintiff's contempt motion. There should have been no confusion on the part of the Plaintiff that

Defendant was personally represented by counsel.

10. To date, Defendant is not aware that Mr. Hoskins has withdrawn as counsel for the Defendant.

11. .To the best of Defendant's knowledge and belief Plaintiff failed to serve a Summons on Mr. Hoskins

12. On or about February 1, 2007, Defendant met with then current bankruptcy counsel Barbara Rogers and her law partner David Anderson and briefly reviewed the Adversary Complaint. At that time, no summons had been issued or received by Mrs. Rogers law firm.

13. Defendant was advised by Mr. Anderson who had reviewed the Adversary Complaint and had concluded the claims asserted in the complaint constitute property of the estate , which has the exclusive standing to pursue. He also advised the Defendant that his office had not received a summons and would wait until a summons had been received to fashion an answer should he be retained as counsel in this Adversary proceeding. In April 25, 2007, Defendant John Acord spoke with Mr. Anderson who advised him that Anderson's office had never received a copy of the summons in this case.

14. Since the hearing on February 9, 2007, there have been three (3) additional hearings in this Court attended by the Defendant and also attended by Mrs. McClure who could have caused proper Summons to be served or at least notified the Defendant of a Summons in this case.

.McClure failed to do so at each hearing.

15. On the 24th of April, the Court Appointed Trustee filed a motion to dismiss the adversary proceeding or in the alternative to abate adversary proceeding. This Complaint is based that any claims asserted by Young Again Products, Inc in its adversary proceeding are property of the Bankruptcy estate of SupplementSpot, LLC under section 541 of the Bankruptcy Code which the Trustee has exclusive standing to pursue on behalf of the estate and its creditors.

16. The Plaintiff alleges it has spent some \$154,000 in its harassment of the Defendants since the Debtor, SUPPLEMENTSPOT, LLC, entered Chapter 11. This enormous sum illustrates the extent of the Plaintiff's effort to interfere and obstruct the proper reorganization of SUPPLEMENTSPOT, LLC and to force it into Chapter 7 liquidation. Many of the charges shown on the Plaintiff's accompanying exhibits show a flagrant violation of the Consent Injunction entered into between the Defendant and SUPPLEMENTSPOT, LLC on May 24, 2004 in the United States District Court for the Southern District of Maryland whereby all agreed not to interfere in the operation of their respective businesses. While many of the entries are redacted there are a few that show the Plaintiff has used its legal resources to obtain and catalogue SUPPLEMENTSPOT, LLC customers, affiliate and agents. This information has been used to intimidate, harass, threaten, and otherwise interfere in the business of SUPPLEMENTSPOT

LLC, all in violation of the Consent Injunction, attached hereto as Exhibit 7, with special reference made to the specific acts PERMANENTLY enjoined and RESTRAINED on page 3 of this Consent Injunction.

17. Exhibits 8 through 10 are examples of the Plaintiff's flagrant and brazen and willful violations of the Consent Injunction. Defendants have 25 additional examples of this abuse and illegal activity should this Court request them.

RELIEF REQUESTED

Defendant is not an attorney and files this without assistance of counsel and requests this Court construe the language herein liberally so as to protect the interests of the Defendant and achieve the purposes of the Bankruptcy Code

19. Defendant requests that Plaintiff's Motion for Entry of a Default Judgment be Dismissed with prejudice for all the reasons set forth herein, and, further, in the interests of justice.

20. Defendant further requests that this Court require the Plaintiff, its attorneys, and all those acting in concert with the Plaintiff to refrain from further actions that may interfere with the duties of the Defendant to assist in the proper reorganization of the Debtor, and

21. Require by order of this court that the Plaintiff immediately cease all violations of the Consent Injunction attached hereto as Exhibit 7.

22. That Plaintiff's attorney, Margaret McClure be properly sanctioned as set forth above.

Respectfully submitted,

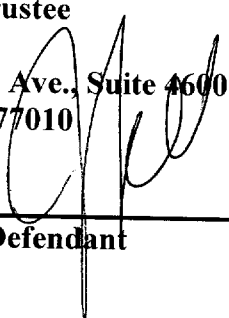
John Acord

In Pro Se

CERTIFICATE OF SERVICE

**This Defendant avers that this date he mailed a copy of this COMPLAINT to
Margaret McClure
909 Fannin St., Suite 3810
Houston, TX 77010
Fax: 713-658-0335**

**Ben Floyd, Trustee
Munch Hardt
707 Louisiana Ave., Suite 4600
Houston, TX 77010**



John Acord, Defendant

SOUTHERN District Of TEXAS

In re

SUPPLEMENT SPOT, LLC

Debtor

YOUNG AGAIN PRODUCTS, INC.

Plaintiff

v. SUPPLEMENT SPOT, LLC, MARCELLA ORTEGA
and JOHN ACORD a/k/a JOHN LIVINGSTON

Defendant

Case No. 06-35903-H4-11

Chapter 11

Adv. Proc. No. 07-03019

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk U.S. Bankruptcy Court Clerk
515 Rusk, 1st Floor
Houston, Texas 77002

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney
Margaret M. McClure
909 Fannin, Suite 3810
Houston, Texas 77010

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

MICHAEL N. MILBY

Clerk of the Bankruptcy Court

By:

Deputy Clerk

FEB 01 2006

Date _____

Case 07-03019 Document 4 Filed in TXSB on 02/06/2007 Page 1

CERTIFICATE OF SERVICE

I, MARGARET M. McClure, certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning the process was made. I further certify that the service of this summons and a copy of the complaint was made on 2-1-07 by: _____
 (date)

☒ Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:

CM RRA 7004 1160 0000 4543 4467
 MACELLA ORTEGA
 1919 CATTLE DRIVE
 MAGNOLIA TX 77354

☐ Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

☐ Residence Service: By leaving the process with the following adult at:

☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

☐ Publication: The defendant was served as follows: [Describe briefly]

☐ State Law: The defendant was served pursuant to the laws of the State of _____ as follows: [Describe briefly]
 (name of state)

Under penalty of perjury, I declare that the foregoing is true and correct.

2-1-07

Date

McClure

Signature

Print Name <u>MARGARET M. McClure</u>		
Business Address <u>909 FANNIN # 3810</u>		
City <u>HOUSTON</u>	State <u>TX</u>	Zip <u>77010</u>

2

SOUTHERN District Of TEXAS

SUMMONS IN AN ADVERSARY PROCEEDING

Address of Clerk U.S. Bankruptcy Court Clerk
515 Rusk, 1st Floor
Houston, Texas 77002

Name and Address of Plaintiff's Attorney
Margaret M. McClure
909 Fannin, Suite 3810
Houston, Texas 77010

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

Clerk of the Bankruptcy Court

Date _____

By:

Deputy Clerk

Case 07-03019 Document 5 Filed in TXSB on 02/06/2007 P:

CERTIFICATE OF SERVICE

2

I, MARGARET M. McClure, certify that I am, and at all time
(name)
service of process was, not less than 18 years of age and not a party to the matter concerning
process was made. I further certify that the service of this summons and a copy of the complaint was made
2-1-07 by:
(date)

☒ Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:
CM RRR John Acord
7004-1160 1919 CAHLE DRIVE
0000-4543- MAGNOLIA TX 77354
4450
☐ Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

☐ Residence Service: By leaving the process with the following adult at:

☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

☐ Publication: The defendant was served as follows: [Describe briefly]

☐ State Law: The defendant was served pursuant to the laws of the State of _____
as follows: [Describe briefly] (name of state)

Under penalty of perjury, I declare that the foregoing is true and correct.

2-1-07
Date

M. McClure
Signature

Print Name	<u>MARGARET M McClure</u>		
Business Address	<u>909 FANNIN #3810</u>		
City	<u>HOUSTON</u>	State	<u>TX</u>
		Zip	<u>77010</u>

YAHOO! MAIL

3

Date: Wed, 25 Apr 2007 20:36:52 -0500 (CDT)

To: jpacord@yahoo.com

From: "U.S._Postal_Service_" <U.S._Postal_Service@usps.com>

Subject: U.S. Postal Service Track & Confirm email Restoration - 7003 2260 0004 0262 2831

This is a post-only message. Please do not respond.

john acord has requested that you receive this restoration information
for Track
& Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Postal
Service.

Label Number: 7003 2260 0004 0262 2831

Service Type: Certified

Shipment Activity Time	Location	Date &
---------------------------	----------	--------

Delivered 03/22/07 11:24am	HOUSTON TX 77010	
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Unclaimed 02/17/07 11:33am	MAGNOLIA TX 77355	
-------------------------------	-------------------	--

Notice Left 02/02/07 12:51pm	MAGNOLIA TX 77354	
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USPS has not verified the validity of any email addresses submitted via
its
online Track & Confirm tool.

For more information, or if you have additional questions on Track &
Confirm
services and features, please visit the Frequently Asked Questions
(FAQs)
section of our Track & Confirm site at
<http://www.usps.com/shipping/trackandconfirmfaq.htm>

YAHOO! MAIL

Date: Wed, 25 Apr 2007 20:37:03 -0500 (CDT)

To: jpacord@yahoo.com

From: "U.S._Postal_Service_" <U.S._Postal_Service@usps.com>

Subject: U.S. Postal Service Track & Confirm email Restoration - 7004 1160 0000 4543 4450

This is a post-only message. Please do not respond.

john acord has requested that you receive this restoration information
for Track
& Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Postal
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Notice Left 02/02/07 12:53pm	MAGNOLIA TX 77354	
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online Track & Confirm tool.

For more information, or if you have additional questions on Track &
Confirm
services and features, please visit the Frequently Asked Questions
(FAQs)
section of our Track & Confirm site at
<http://www.usps.com/shipping/trackandconfirmfaq.htm>

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[Home](#) > [My Account](#) > **OnePass Statement**

OnePass Statement

Mr. John Acord
OnePass Account Number YA749541
Activity Period **01/29/2007 - 02/25/2007**
OnePass Elite Level Silver
SkyTeam Elite Level Elite

View Other Statements:

01/29/2007 - 02/25/2007 ▼



> [Activity Since My Last Statement](#)

Account Summary

Description	OnePass Elite Qualification		
	Miles	Miles	Points
Beginning Balance as of 01/29/2007:	112,514	0	0
Airline Activity:	8,019	5,013	1
Non Airline Activity:	0	-	-
Reward Activity:	0	-	-
Ending Balance as of 02/25/2007:	120,533	5,013	1

> Read more about [Elite Status Qualification](#)

Activity

Activity Details		Elite Qualifying Fare Class Miles / Points	Deposits/Withdrawals			Elite Qualification		
			Miles	Elite Bonus	Total	Miles	Points	
DATE	AIRLINE ACTIVITY (Flights: Purchased / Flown)							
2/18/2007	Continental 58Q	Houston (IAH)-Amsterdam	Q/Q	5,013	2,506	7,519	2506	0
	continental.com EQM/EQP						2507	1
2/18/2007	continental.com Booking Bonus			500		500	0	0

The Elite Qualifying Fare Class column indicates the fare class that determines your Elite Qualification Miles and Points. Continental Airlines mileage credit will be posted to your account within five days of travel. OnePass partner mileage credit will be posted to your account within six weeks of your transaction.

Missing any mileage activity?

- > [Request mileage credit online](#) for Continental flight activity.
- > [Visit the OnePass Contact Information page](#) to learn how to request mileage credit for airline partner, car partner, hotel partner and non-travel partner activity.

How can you use your miles?

- > [Visit the Travel Rewards area](#) to redeem your miles for travel.
- > [Visit the Upgrade Rewards area](#) for upgrade rewards redemption information and rules.

Home > My Account > **OnePass Statement**

OnePass Statement

Mr. John Acord
OnePass Account Number YA749541
Activity Period **02/26/2007 - 04/01/2007**
OnePass Elite Level Silver
SkyTeam Elite Level Elite

View Other Statements:

02/26/2007 - 04/01/2007

> [Activity Since My Last Statement](#)

Account Summary

Description	OnePass Elite Qualification		
	Miles	Miles	Points
Beginning Balance as of 02/26/2007:	120,533	5,013	1
Airline Activity:	7,519	5,013	1
Non Airline Activity:	0	-	-
Reward Activity:	0	-	-
Ending Balance as of 04/01/2007:	128,052	10,026	2

> Read more about [Elite Status Qualification](#)

Activity

				Deposits/Withdrawals			Elite Qualification	
Activity Details		Elite Qualifying Fare Class		Miles	Elite Bonus	Total	Miles	Points
		Miles / Points						
DATE	AIRLINE ACTIVITY (Flights: Purchased / Flown)							
2/25/2007	Continental 47Q	Amsterdam-Houston (IAH)	Q/Q	5,013	2,506	7,519	2506	0
	continental.com						2507	1
	EQM/EQP							

The Elite Qualifying Fare Class column indicates the fare class that determines your Elite Qualification Miles and Points. Continental Airlines mileage credit will be posted to your account within five days of travel. OnePass partner mileage credit will be posted to your account within six weeks of your transaction.

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- > [Visit the Upgrade Rewards area](#) for upgrade rewards redemption information and rules.
- > [Visit the Non-travel Rewards area](#) to use miles for magazines subscriptions, merchandise and

6

**UNITED STATES BANKRUPTCY COURT FOR
THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

**BANKRUPTCY CASE NO
NO 06-35903
Chapter 11**

SUPPLEMENT SPOT, LLC

DEBTOR

Adversary No: _____

**YOUNG AGAIN PRODUCTS,
INC.**

Plaintiff

**UNITED STATES COURT
SOUTHERN DISTRICT OF TEXAS
FILED**

APR 23 2007

Vs.

Supplementspot, LLC

MICHAEL N. MILBY, CLERK OF COURT

And JOHN ACORD

And MARCELLA ORTEGA

Defendants

ANSWER

COMES NOW, John Acord, Defendant, and files this Answer.

Defendant Denies all allegations contained within the complaint within the aforesaid

Complaint, and further avers:

1. Denies all material allegations contained therein or otherwise stands on the
2. amended schedules submitted to this court as true and correct to the best of his
3. knowledge.

4. Defendant relied upon the advice of competent and certified counsel in preparing
5. all schedules and declarations In this case and avers they are true and correct to
6. the best of his knowledge and advice of counsel.
7. The Plaintiff knew or should have known that all issues raised herein are issues
8. that can only be raised by the Debtor, who operates under the protection of a court
9. appointed trustee
10. That no proper summons as set for in the filings of the court was ever served upon
11. the Defendant
12. That proper time for service has lapsed and that the complaint should be
13. dismissed for lack of service.
14. Plaintiff knows or should have known that Defendant's personal attorney is
15. Patrick Hoskins Esq., yet made no attempt to contact Mr. Hoskins to effect proper
16. service and leave to reply to the complaint
17. Defendant files this reply after discovering to his dismay from the Trustee that
the
18. Plaintiff intended to file a motion for default in this case, maintaining that proper
19. service had been made on the Defendant.
20. That Plaintiff's attorney, Margaret McClure, was present when this Defendant
21. appeared before this court on at least 3 separate occasions and made no attempt to
22. properly serve this defendant with a copy of the complaint and status order.
23. Defendant did discuss the complaint with the former attorney for the Debtor and
24. was informed at that time that no proper summons had been issued, that the case
25. would be held in "abatement," and no reply was necessary. Afterwards, the same
26. attorney told Defendant that the court appointed trustee would handle the matter

27. as the issues raised by the plaintiff were under the Trustee's jurisdiction and not

28. issues that could properly raised by the plaintiff.

Request For Jury Trial

The Defendant demand a jury trial on the allegations contained in this complaint and requests that the complaint, if not dismissed by the Court, be moved to the District Court

of proper jurisdiction

The Defendant further requests this court to construe the language of this Answer liberally. The Defendant is not an attorney, has not consulted with an attorney on this reply, and needs time to retain an attorney should the court allow the case to proceed.

The Defendant asks this court to enter a new scheduling order based upon service from

this date and allow Defendant sufficient time to retain competent counsel

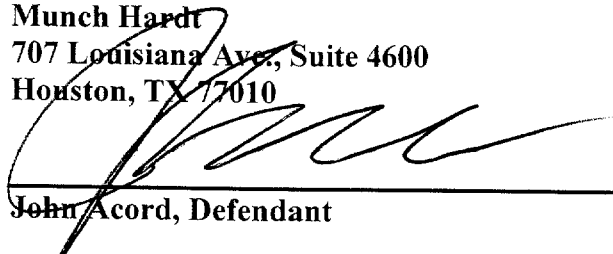


Respectfully submitted.

John Acord
In Pro Se

**This Defendant avers that this date he faxed a copy of this ANSWER to
Margaret McClure
909 Fannin St., Suite 3810
Houston, TX 77010
Fax: 713-658-0335**

**Ben Floyd, Trustee
Munch Hardt
707 Louisiana Ave., Suite 4600
Houston, TX 77010**



John Acord, Defendant

⑥

**UNITED STATES BANKRUPTCY COURT FOR
THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

BANKRUPTCY CASE NO
NO 06-35903
Chapter 11

SUPPLEMENT SPOT, LLC

DEBTOR

Adversary No: _____

YOUNG AGAIN PRODUCTS,
INC.

Plaintiff

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

APR 23 2007

Vs.

Supplementspot, LLC

And JOHN ACORD

And MARCELLA ORTEGA

Defendants

MICHAEL A. WILBY, CLERK OF COURT

ANSWER

COMES NOW, Marcella Ortega, Defendant, and files this Answer.

Defendant Denies all allegations contained within the complaint within the aforesaid

Complaint, and further avers:

1. Denies all material allegations contained therein or otherwise stands on the
2. amended schedules submitted to this court as true and correct to the best of his
3. knowledge.

4. Defendant relied upon the advice of competent and certified counsel in preparing
5. all schedules and declarations In this case and avers they are true and correct to
6. the best of his knowledge and advice of counsel.
7. The Plaintiff knew or should have known that all issues raised herein are issues
8. that can only be raised by the Debtor, who operates under the protection of a court
9. appointed trustee
10. That no proper summons as set for in the filings of the court was ever served upon
11. the Defendant
12. That proper time for service has lapsed and that the complaint should be
13. dismissed for lack of service.
14. Plaintiff knows or should have known that Defendant's personal attorney is
15. Patrick Hoskins Esq., yet made no attempt to contact Mr. Hoskins to effect proper
16. service and leave to reply to the complaint
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22. properly serve this defendant with a copy of the complaint and status order.
23. Defendant did discuss the complaint with the former attorney for the Debtor and
24. was informed at that time that no proper summons had been issued, that the case
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The Defendant asks this court to enter a new scheduling order based upon service from

this date and allow Defendant sufficient time to retain competent counsel

Respectfully submitted.


Marcella Ortega
In Pro Se

CERTIFICATE OF SERVICE

This Defendant avers that this date he faxed a copy of this ANSWER to
Margaret McClure
909 Fannin St., Suite 3810
Houston, TX 77010
Fax: 713-658-0335

Ben Floyd, Trustee
Munch Hardt
707 Louisiana Ave., Suite 4600
Houston, TX 77010


~~John McCloud, Defendant~~

7

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

YOUNG AGAIN PRODUCTS, INC.

Plaintiff / Counter-Defendant,

vs.

JOHN ACORD a/k/a JOHN LIVINGSTON, et al.

Defendants / Counter-Plaintiffs.

Civil No: RWT 03CV2441

JOHN ACORD a/k/a JOHN LIVINGSTON, et al.

Third-Party Plaintiff,

vs.

ROGER MASON and IVEY MASON

Third-Party Defendants

CONSENT INJUNCTION

By agreement of the parties, as expressed on the record at the May 19, 2004 Hearing held on Plaintiff's Motion To Enforce This Court's Rulings On March 22, 2004, The Consent Injunction Order Of March 25, 2004, And The Preliminary Injunction Order Of March 25, 2004, And For An Order To Show Cause Why Defendant Should Not Be Held In Contempt For Violating This Court's Decrees, And For Expenses, Including Attorneys' Fees, it is, this day of May, 2004, by the United States District Court for the District of Maryland,

ORDERED, that Pursuant to Fed. R. Civ. P. 65(d), Defendants, their officers, agents, servants, employees, members, and those acting in concert or participation with them who receive notice of this Injunction, including but not limited to Young Again Nutrition, L.L.C.,

(collectively "Defendants"), are hereby PERMANENTLY ENJOINED and RESTRAINED, both jointly and severally, from use of the following trademarks: Fat Absorb®, Better Immunity™, Better Prostate™, Skin Cure®, The Osteoporosis Answer®, Vein Free®, Arthritis Arsenal®, Arthritis Free™, Better Cholesterol®, German Zyme™, Miracle Cream™, Total Minerals™, Total Vitamins™, the Estrogen Alternative™, or any other names, terms or marks which so resemble any of the above marks as to be likely to cause confusion, and it is

FURTHER ORDERED, that the Defendants are hereby PERMANENTLY ENJOINED and RESTRAINED, both jointly and severally, from marketing, selling, distributing, advertising, brokering, transferring, publishing, or giving away for free the following books (or any excerpts there from): Lower Cholesterol Without Drugs; What Is Beta Glucan; Zen Macrobiotics For Americans; The Natural Prostate Cure; Natural Arthritis Relief; No More Horse Estrogen; and The Mineral You Need; provided however, that the Defendants may sell or give away with purchase of product any of these books that remain in inventory at the time of execution of this Order, and it is

FURTHER ORDERED, that the Defendants are hereby PERMANENTLY ENJOINED and RESTRAINED, both jointly and severally, from use or publication of any articles or excerpts of articles authored by Roger Mason, including articles in archives, provided however, that the Defendants shall have 60 days from execution of this Order to remove all such articles and excerpts from articles from all websites owned or controlled by the Defendants, and it is

FURTHER ORDERED, that the Defendants are hereby PERMANENTLY ENJOINED and RESTRAINED, both jointly and severally, from use or publication of the name Roger Mason, provided however, that the Defendants shall have 60 days from execution of this Order to remove all references to the name from websites owned or controlled by the Defendants, and it is

FURTHER ORDERED, that all parties to this case, including their respective officers, agents, servants, employees, and those acting in concert or participation with them, are PERMANENTLY ENJOINED and RESTRAINED from making any disparaging or defamatory remarks about one another or their respective businesses to any third parties unless protected or privileged pursuant to legal proceedings, and it is

FURTHER ORDERED, that Plaintiff, its officers, agents, servants, and employees, including Roger Mason and Ivey Mason, are PERMANENTLY ENJOINED and RESTRAINED from interfering in any way with the business of Defendants including but not limited to using Defendants' customer lists or other trade secret information of Defendants, provided however, that nothing in this paragraph shall be construed to limit the Plaintiff from pursuing its claims against the Defendants in the above captioned case or any other legal proceeding in another jurisdiction, or taking any lawful action necessary to protect Plaintiff's rights, and it is

FURTHER ORDERED, that the Defendants shall remove within one week of the execution of this Order all references to the trademarks and copyrighted books identified above from all websites owned or controlled by the Defendants, including the following websites:

www.youngagain.com, www.youngagainnutrients.com, www.youngagain.info,
www.supplementspot.com, www.low-fat-recipes.com, and www.youngagain2000.com.

Additionally, within one week of the execution of this Order, the Defendants shall send notice in writing to the owners and operators of www.netheal.com, , www.avmazon.com,

www.menshealthtech.com, www.healthy-networks.com, www.second-hand-news.com,

www.healthcore21.com, www.virilityhealthstore.com, and all other websites with whom the

Defendants are affiliated or otherwise derive any revenue, requesting that they cease and desist use of the above identified trademarks and copyrighted publications, and copies of these notices shall be sent to the Plaintiff, and it is

FURTHER ORDERED, that, within one week of the execution of this Order, the Defendants will provide Plaintiff with the contact information, including the name, address, and telephone number, as known to the Defendants of the owners and operators of www.netheal.com, www.avmazon.com, www.menshealthtech.com, www.healthy-networks.com, www.second-hand-news.com, www.healthcore21.com, and www.virilityhealthstore.com, and all other websites with whom the Defendants are affiliated or otherwise derive any revenue, and it is

FURTHER ORDERED, that, after the time periods for removal specified above, in the event Plaintiff finds on the aforementioned websites owned or controlled by the Defendants any references to the products, names, books, or articles referenced above or the name Roger Mason, the Defendants shall have one week to remove any such references from the time of delivery of notice given in writing and sent by facsimile or by hand, or by overnight delivery service, addressed to:

John Acord
Young Again Nutrition, LLC.
9022 Deer Lodge Road
Magnolia, TX 77354

and

Lawrence E. Laubscher, Jr.
Laubscher Severson
1160 Spa Road, Suite 2B
Annapolis, Maryland 21403,

and that, upon a finding by the Court (after filing of proper papers from both parties) that Defendants have failed to remove the references within the one week time period, the Defendants shall be held in Contempt, with penalties to be assessed as deemed appropriate by this Court including, but not limited to, monetary sanctions of \$500.00 a day for continuing violations of this Injunction commencing the 8th day after notice is delivered and reimbursement of Plaintiff's expenses to enforce compliance with this Injunction, including all reasonable costs

and attorneys' fees, and it is and it is

FURTHER ORDERED, that, except as otherwise specified in the immediately preceding paragraph, any party may seek redress against a party violating the provisions of this Consent Injunction through motion to this Court, with relief provided as the Court deems appropriate, and it is

FURTHER ORDERED, that Defendants shall reimburse within one week of the execution of this Order by certified or cashier's check made payable to Young Again Products, Inc. and Freeman & Freeman, P.C., Plaintiff's costs and attorneys' fees of \$1,831.50 incurred in connection with Plaintiff's Motion To Enforce This Court's Rulings On March 22, 2004, The Consent Injunction Order Of March 25, 2004, And The Preliminary Injunction Order Of March 25, 2004, And For An Order To Show Cause Why Defendant Should Not Be Held In Contempt For Violating This Court's Decrees, and it is

FURTHER ORDERED, that to the extent that the further mediation is deemed necessary by the parties, such mediation shall be conducted by Magistrate Judge Day.

By consenting to the entry of this Order, no party subject thereto shall be deemed to have acknowledged, admitted or otherwise agreed that such party has in any way committed any act of copyright or trademark infringement or violated or breached any legal duty to or right of any other party, and each party expressly reserves the right to assert, challenge or contest any such assertions or allegations in this action or in any other legal action in which such an issue may arise.

ROGER W. TITUS
UNITED STATES DISTRICT JUDGE

copies to:

**Lawrence E. Laubscher, Jr.
Laubscher Severson
1160 Spa Road, Suite 2B
Annapolis, Maryland 21403**

**Mark A. Freeman
Thomas R. Freeman
Freeman & Freeman, P.C.
One Church Street, Suite 200
Rockville, Maryland 20850**

Freeman & Freeman

From: <MDD_CM-ECF_Filing@mdd.uscourts.gov>
To: <MDDdb_ECF@mdd.uscourts.gov>
Sent: Tuesday, May 25, 2004 2:03 PM
Subject: Activity in Case 8:03-cv-02441-RWT Young Again Products, Inc. v. Acord et al "Order"

*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge.
To avoid later charges, download a copy of each document during this first viewing.**

U.S. District Court

District of Maryland

Notice of Electronic Filing

The following transaction was received from Titus, Roger entered on 5/25/2004 at 2:03 PM EDT and filed on 5/25/2004

Case Name: Young Again Products, Inc. v. Acord et al
Case Number: 8:03-cv-2441
Filer:
Document Number: 57

Docket Text:

PAPERLESS ORDER APPROVING [54] Line and attached Consent Injunction. Signed by Judge Roger W Titus on 5/25/04. (Titus, Roger)

The following document(s) are associated with this transaction:

8:03-cv-2441 Notice will be electronically mailed to:

Mark A Freeman mafreeman@erols.com, freemanlaw@erols.com

Thomas R Freeman tfreeman@erols.com, freemanlaw@erols.com

Lawrence E Laubscher llaubscher@laubscherlaw.com

Martin Leo Vedder freemanlaw@erols.com

8:03-cv-2441 Notice will not be electronically mailed to:

5/25/04

Correspondence

8:03-cv-02441-RWT Young Again Products, Inc. v. Acord et al

U.S. District Court

District of Maryland

Notice of Electronic Filing

The following transaction was received from Freeman, Thomas entered on 5/24/2004 at 5:03 PM EDT and filed on 5/24/2004

Case Name: Young Again Products, Inc. v. Acord et al

Case Number: 8:03-cv-2441

Filer:

Document Number: 54

Docket Text:

Correspondence re: Consent Injunction (Attachments: # (1) Consent Injunction)(Freeman, Thomas)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046883720 [Date=5/24/2004] [FileNumber=461970-0]
[a4b5206dd009ecc591921216c99aa57c71b695a9c9e671f9bb9afc5ab8d7031024dc
f2bc50101374de80ac52af44dac62d617e46a76f048c4cf3af82ab91e9be]]

Document description: Consent Injunction

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046883720 [Date=5/24/2004] [FileNumber=461970-1]
[b1a080d4ac080e8e9900ae2795565b8fd30cffb5cfde581b586b62a87615eab64fcc
e097aa6ca1355bd542e0a6720a2d60170024406bc11e9fe8fe42ed0b6e04]]

8:03-cv-2441 Notice will be electronically mailed to:

Mark A Freeman mafreeman@erols.com, freemanlaw@erols.com

Thomas R Freeman tfreeman@erols.com, freemanlaw@erols.com

Lawrence E Laubscher llaubscher@laubscherlaw.com

Martin Leo Vedder freemanlaw@erols.com

8:03-cv-2441 Notice will not be electronically mailed to:

SupplementSpot

From: Shirley Rozeboom [rozeboom@wildblue.net]
Sent: Monday, April 09, 2007 10:20 AM
To: CSYAN@WT.net
Subject: Fw: you're welcome

This is the second message I have received after I replied back to the gentleman. I am going to send a copy of these two messages to my credit card company along with the dispute over charges. I have no idea what is going on other than I have been charged for something I didn't receive.

Thank you,
Shirley Rozeboom

----- Original Message -----

From: <info@youngagainproducts.com>
To: <rozeboom@wildblue.net>
Sent: Saturday, April 07, 2007 7:54 PM
Subject: Re: you're welcome

dear shirley,
YAN sold you junk at high prices. junk like resveratrol, lycopene, hoodia and a whole long list. we are trying to get all of them put in jail. please go to www.youngagain.org and read The Supplements You Need. please also read No More Horse Estrogen! please look at our products at www.youngagain.com (we took this site over this week). we only sell proven products at low prices. my best to you,

roger
don't worry, the credit card company is well aware of the fraud at YAN as it went on for months. jane batts king is going to be charged with this. john "livingston" is really john acord a two time ex-con on his way back to jail for bankruptcy fraud.
Young Again Products Internet
www.youngagainproducts.com
e-mail: info@youngagainproducts.com
310 N. Front St. #150
Wilmington, NC 28401 U.S.A.

----- Original Message -----

From: Shirley Rozeboom [mailto:rozeboom@wildblue.net]
To: info@youngagainproducts.com
Sent: Sat, 7 Apr 2007 19:45:33 -0500
Subject: Re: you have been defrauded

Roger, thank you so much for replying back to me. I cannot call my credit card company until Monday to tell them I have been defrauded. I have been a customer of Young Again Nutrients for 2-3 years and I am so disappointed. I really loved the products.

Thank you for taking the time to let me know what is happening.

Much appreciated,

Shirley Rozeboom



----- Original Message -----

From: <info@youngagainproducts.com>
To: <rozeboom@wildblue.net>
Sent: Saturday, April 07, 2007 6:44 PM
Subject: RE: you have been defrauded

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SupplementSpot

From: BILL BONNIE DARE [bbdare@msn.com]
Sent: Friday, April 06, 2007 2:00 PM
To: Thomas Aronson
Cc: csyan@wt.net
Subject: email

To: bonnie_dare@yahoo.com
From: "info@youngagainproducts.com" <info@youngagainproducts.com>
Subject:  Add to Address Book  Add Mobile Alert
Date: Fri, 6 Apr 2007 09:38:57 -0400

hi bonnie,
people have been writing in saying you are working
with john "Livingston" in magnolia, tx. if this is true
the federal authorities will soon be speaking with you.
if it's not true that's good. "Livingston" and everyone
around him are on their way to jail.

sincerely,

roger masen

Young Again Products Internet

www.youngagainproducts.com

e-mail: info@youngagainproducts.com

310 N. Front St. #150

Wilmington, NC 28401 U.S.A.

----- Original Message -----

From: Welkom Inn [mailto:welkominn@gawab.com]
To: sales@youngagainproducts.com
Cc: wiech89@yahoo.com,
Sent: Mon, 02 Apr 2007 17:31:10 +0700
Subject: About quercetin

Dear Sir

I am sure you will be interested by the story that I just send to a
friend who is a witness of what happen.
I live in Thailand, he comes from the states and spend a few months a
year here, under the sun:

The story

Dear Robert,

Hope you had a nice flight home.

Hereby is a "good" story about Quercetin and Young Again.

Do you remember that I told you that the "Young Again" Internet site

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Intelius

Building Trust™

April 20, 2006

To: Lawrence Brown

Re: Livingston, John

Dear Mr. Brown,

In reference to your inquiry about John Livingston in Magnolia, TX we found the following:

He was born John Patrick Acord on 1/20/43 in Los Angeles, CA. His mother is Marcella Boyle (now Ortega) born 10/31/23 also in Los Angeles.

He has no law degree, nor did he graduate from any college, university, or trade school. He did attend one semester of college in Washington, DC. Mr. Acord has almost no known job history whatsoever in a search of Social Security Records.

He was involved with a Nazi paramilitary group in the late 1960s called "Liberty Lobby". They published the magazine "Attack!". He was field director under Willis Carto. Mr. Acord misappropriated about \$50,000 in donations for which he was removed from his post, but no criminal charges were filed.

He has been repeatedly cited, fined, and investigated by the SEC in the 1970s and 1980s. If you want detailed reports of these they are available.

In 1985 he was sentenced to ten years in federal prison for securities, wire, and mail fraud counts. This was in the Southern District of Nevada. He remained on parole after release until 1995.

In 1996 he was sentenced to five years in federal prison for bankruptcy, wire, and mail fraud counts. This was in the Northern District of Texas. He was on supervised release until 2001. His mother Marcella, his sister Susan Hall, his brother Sean, and his daughter-in-law Kimberly Caldwell were all involved as well as Douglass Kennett.

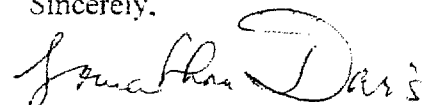
Only Acord and Kennett went to prison.

Currently Mr. Acord is being investigated by the FBI, IRS, and Texas Bankruptcy Court in Houston. He is also involved in federal civil suits in Salt Lake City, Utah and Greenbelt, Maryland.

If you need any more information please contact us.

cc: files

Sincerely,



Jonathan Davis, Investigator

10

Intelius

Building Trust™

April 20, 2006

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Re: Livingston, John

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Only Acord and Kennett went to prison.

Currently Mr. Acord is being investigated by the FBI, IRS, and Texas Bankruptcy Court in Houston. He is also involved in federal civil suits in Salt Lake City, Utah and Greenbelt, Maryland.

If you need any more information please contact us.

cc: files

Sincerely,



Jonathan Davis, Investigator

10

Mr. Aronson,

It seems everyone who deals with John gets cheated out of what he owes them. If he owes you money you need to retain an attorney immediately.

"Aronson" is usually a name of Jewish heritage. John is the most virulent anti-Semite I've ever met. He was second in command of the biggest neo-Nazi organization in the country. He brags about having a half million dollar collection of Nazi paraphernalia.

L.H.
